

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Ed Sisson, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Seuell to approve the minutes of May 4, 2010 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Financial Report

Finance Director Tod DeZeeuw presented the financial report for period ending April 30, 2010 and answered questions from Council.

Mounted Shooting

City Attorney Mike Schottelkotte stated that there was discussion at a previous meeting regarding the City's liability in an event of this nature. He reiterated his comments at that meeting stating that he does feel the City does have some governmental immunity. He also stated that he would request the City have the applicant/promoter submit proof of liability insurance showing the City of Delta as an additional insured.

Linda Tibbits stated that they have requested that information and the insurance company will be getting the paperwork to the City.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the Mounted Shooting event subject to receiving all appropriate documentation and reviewed by the City Attorney. All in favor, motion carried.

Stake Truck Bids

Fleet Manager Rod Myers recommended that Council approve the purchase of a Ford F350 with Stake Bed & Lift from Hellman Motor Company in the amount of \$29,598.00. He stated that he received two bids and Hellman Motor Company is the low bidder. The amount of the bid is within the budgeted amount for 2010.

Councilmember Seuell questioned what happens to the existing vehicle.

Mr. Myers stated that they would try to sell it.

It was moved by Councilmember Seuell and seconded by Councilmember Jurca to purchase one Ford F350 with Stake Bed & Lift gate from Hellman Motor Company in the amount of \$29,598.00. All in favor, motion carried.

Resolution #5, 2010; Appointments to NMPP and MEAN

Resolution #5, 2010

RESOLUTION FOR APPOINTMENTS TO THE NEBRASKA
MUNICIPAL POWER POOL MEMBER'S COUNCIL AND
MUNICIPAL ENERGY AGENCY OF NEBRASKA MANAGEMENT
COMMITTEE

Regular Meeting, Delta City Council, May 18, 2010 (Cont.)

Resolution #5, 2010 (cont.)

was read by the Clerk.

Utilities Director Fay Mathews stated that MEAN and NMPP requires these appointments. He stated he has been the representative in the past and he would recommend Steve Glammeyer to become the alternate.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to adopt Resolution #5, 2010. Roll call vote: Councilmembers Pfalzgraff aye, Jurca aye, Seuell aye, Sisson aye and Cooper aye. Motion carried.

Abandonment of the George W. Moody Ditch

City Attorney Michael Schottelkotte stated that he has received a letter from the Division of Water Resources regarding the abandonment of the George W. Moody ditch. He also stated that this is just for information purposes at this time. The City will get formal notification at a later date. Mr. Schottelkotte presented Council with information regarding the prior use of the water. He stated that he believes there is no jeopardy to the City for current water rights.

There was discussion regarding any previous use of the water.

City Manager Joe Kerby requested Council to allow him to proceed with additional investigation.

Councilmember Jurca questioned where the water comes from to fill Confluence Lake.

Parks Director Paul Suppes stated that it comes from the Uncompahgre River.

There was consensus for staff to continue to investigate the use of the water addressed in the letter.

Council Bill #1, 2010: Second and Final Reading
Adopting the 2010 Edition of the Model Traffic Code

Council Bill #1, 2010

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, REVISING EXISTING TRAFFIC REGULATIONS, ADOPTING BY REFERENCE THE 2010 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES, AND EFFECTIVELY REPEALING THE PREVIOUSLY ADOPTED 2003 MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES AND OTHER TRAFFIC REGULATIONS INCONSISTENT WITH THE ADOPTION OF THE 2010 CODE; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

was read by the Clerk.

City Attorney Michael Schottelkotte stated that he would like to apologize for recommending the Chief to proceed with presenting this to Council at the last meeting. He commented on the changes within the Model Traffic Code (MTC) that could be of some significance to Municipal Court. Mr. Schottelkotte recommended to Council not to approve the adoption of the Council Bill at this time.

City Manager Joe Kerby also apologized to the Chief and Council. He stated that the Chief, Municipal Judge, City Attorney and himself would be getting together to discuss the options on adopting the MTC. He also stated that he plans to update Council within 30 days regarding those discussions.

It was moved by Councilmember Jurca and seconded by Councilmember Seuell to deny the adoption of Council Bill #1, 2010. Roll call vote: Councilmembers Pfalzgraff aye, Jurca aye, Seuell aye, Sisson aye and Cooper aye. Motion carried.

City Attorney Comments

There were none.

Regular Meeting, Delta City Council, May 18, 2010 (Cont.)

City Manager Comments

City Manager Joe Kerby updated Council on the following items:

- Grant for wastewater diffuser.
- Grant to provide utility customers with coupons for light bulbs.
- Receiving technical assistance from the Governor's Energy office for the expansion of the recreation center.
- Meeting Susan Hansen, County Administration for Delta County.
- CML outreach meeting that will be held at the recreation center next week.
- Regional City Manager meeting.
- Meeting with Kevin Bray.
- Work session/Council retreat to prioritize items and get Council's expectations.
- Gunnison Basin Roundtable meetings.

A work session was tentatively scheduled for June 8th with location to be determined.

Councilmember Pfalzgraff was appointed to attend the Gunnison Roundtable meetings.

Councilmember Comments

Mayor Cooper commented on Memorial Day.

The meeting was adjourned at 7:37p.m.

Jolene E. Nelson, City Clerk